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Attorney for Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In Re:

SCHNEIDER, JOHN HENRY

Case No. 14-61357-7

Debtor(s)

MOTION TO ASSUME EXECUTORY CONTRACTS AND NOTICE

COMES NOW the Trustee, Joseph V. Womack, and pursuant to 11 USC § 365 moves this Court for an Order allowing him to assume executory contracts of the Debtor and in support of this motion states as follows:

1. Debtor filed a petition in this Court under Chapter 7 of the Bankruptcy Code on December 4, 2014.
2. Trustee wishes to assume any and all outstanding executory contracts to which Debtor is a party or a decision-maker, including but not limited to E&O insurance policies, medical malpractice insurance policies, and insurance coverage for any and all property owned by Debtor or any business or trust in which he or his immediate family have an interest. Trustee has yet to uncover all of such contracts, but wishes to preserve the rights of the Estate by assuming all executory contracts of Debtor.

3. Specifically, Trustee wishes to assume all rights under all such policies to “consent to settle” so that any insurance company providing insurance can only settle claims with the consent of the insured Debtor, John Henry Schneider, aka John H. Schneider, M.D. Said assumption includes Utah Medical Insurance Association policy no. WY040284, which covers Debtor’s physician services against claims of medical malpractice.

WHEREFORE, the undersigned moves the Court to grant this Motion to Assume Executory Contracts pursuant to 11 U.S.C. § 365 and to grant such other relief as the Court may deem appropriate.

DATED this 29th day of January, 2015.

WALLER & WOMACK, P.C.

By: /s/ Joseph V. Womack
Joseph V. Womack
Ch. 7 Bankruptcy Trustee

NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING

If you object to this motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of filing. The responding party shall schedule the hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____
Time: _____
Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this 29th day of January, 2015.

WALLER & WOMACK, P.C.

By: /s/ Joseph V. Womack
Joseph V. Womack
Ch. 7 Bankruptcy Trustee

CERTIFICATE OF SERVICE

I, the undersigned, certify under penalty of perjury that on January 29, 2015, or as soon as possible thereafter, a copy of the foregoing Motion for Turnover was served electronically by the Court's ECF notice to all persons/entities requesting special notice or otherwise entitled to the same. In addition service by mailing a true and correct copy, first class mail, postage prepaid, was made to the following persons/entities who are not ECF registered users pursuant to the Court's Order limiting service by mail dated January 15, 2015 (Docket No. 24):

Debtor:

John Schneider
3611 Tommy Armour Circle
Billings, MT 59106

Interested Parties:

Montana Department of Revenue
ATTN: Kim Davis
PO Box 7701
Helena, MT 59601-7701

Internal Revenue Service
Centralized Insolvency Unit
PO Box 7346
Philadelphia, PA 19101-7346

Stephen Kline
PO Box 1938
Cheyenne, WY 82003

By: /s/ Lynsey Lund
Lynsey Lund
Legal Asst. to Trustee